

Message

**From:** ECOS [ecos=ecos.org@mail1.suw15.mcsv.net]  
on behalf of ECOS [ecos@ecos.org]  
**Sent:** 12/1/2017 8:48:55 PM  
**To:** Beck, Nancy [Beck.Nancy@epa.gov]  
**Subject:** ECOS Launches Executive Director Search, Brownfields and Budget Bills Advance in Congress, & More

ECOS Launches Executive Director Search, Brownfields and Budget Bills Advance in Congress, & More

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## ECOSWIRE

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## **ECOS Launches Search for New Executive Director**

ECOS has begun its search for a new Executive Director to succeed Alexandra Dunn, who departs the association January 5 to become U.S. EPA Region 1 Administrator.

The Executive Director works closely with ECOS leadership and staff, and is responsible for overseeing and implementing strategy, policies, management, programs, finances, and staffing for ECOS and ERIS. Among other duties, key responsibilities include:

- Representing state executive branch officials' collective interests as the appointed U.S. state and territorial environmental commissioners on a full range of U.S. environmental regulatory and legislative policy issues;
- Developing and delivering clear and meaningful policy positions;
- Efficiently overseeing all operations; and

- Maximizing ECOS and ERIS branding, identity, and results via empowering the members as the voice of the organizations.

See a full description in the [job announcement](#). Interested candidates should submit a cover letter, statement of interest, resume, and professional references to [ecos@ecos.org](mailto:ecos@ecos.org) by **December 15 at 5 p.m. Eastern**. [Swanson]

## House Overwhelmingly Passes Brownfields Reauthorization Bill

The House on November 30 passed by a wide margin a bill to reauthorize U.S. EPA's Brownfields program through 2022 at an annual amount of \$200 million, and separately to authorize funding to states at \$50 million a year. The bipartisan H.R. 3017, the *Brownfields Enhancement, Economic Redevelopment, and Reauthorization Act of 2017*, cleared the chamber by a vote of 409-8. The measure was the result of a compromise between the Rules Committee and the Transportation & Infrastructure Committee.

"The Brownfields Program has a proven record of success – assisting states and communities in the redevelopment of abandoned or underutilized properties by leveraging federal seed money and technical expertise to attract state, local, and private dollars to create jobs and spur economic growth," said Transportation and Infrastructure Committee Ranking Member Peter DeFazio (D-OR). "Congress has heard from mayors, county executives, state officials, and other stakeholders regarding the critical importance of the Brownfields program. I am proud to work on this bipartisan legislation and I will continue to work with my colleagues to see this critical bill signed into law."

Last April, ECOS member Bob Martineau of Tennessee [testified](#) in the House on behalf of ECOS in support of Brownfields reauthorization. Although ECOS and sister association the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) supported the broad contours of the bill, they were unable to officially endorse it due to a provision that limits the availability of Brownfields 104(k) grants to 501(c)(3) organizations. This term would preclude nonprofits such as ASTSWMO from continuing to receive such funding.

Both organizations and their members will work with Senate leaders to address the issue. The Oklahoma Department of Environmental Quality already has sent a letter to the

Senate, and ECOS encourages other members to reach out to their Senators. Please contact [Lia Parisien](#) of ECOS for more information.

A Senate companion, S. 822, cleared the Environment and Public Works Committee for floor action in September. [Parisien]

## **Senate Releases Environmental Appropriations Bill, Reinstates Multipurpose Grants**

On November 20, the Senate Appropriations Committee released its FY 2018 Interior, Environment, and Related Agencies Appropriations bill. The bill would set a \$7.91B funding level for U.S. EPA, which is slightly higher than the House of Representatives' version of the bill (\$7.53B), and significantly higher than the President's Budget Request for FY18 (\$5.66B).

Despite an overall decrease of \$150M from the FY17 enacted bill, the EPA portion of the bill includes some notable increases. State and Tribal Assistance categorical grants are increased by \$25M; Pollution Control (Sec 106) and State and Local Air Quality Management grants are increased; and the FY16 State Multipurpose grants (an ECOS SuperCore priority) are reinstated at \$10M. The Superfund account, Clean Water State Revolving Fund (SRF), and Drinking Water SRF also received modest increases.

The bill includes several policy riders from previous years, including a ban on EPA's regulation of lead ammunition and tackle and a requirement for federal agencies to consider biomass carbon-neutral. Also included in the bill is a provision blocking any new rule to define Waters of the United States from being challenged on its merits and exempting EPA from longstanding procedural requirements. In their minority summary of the bill, Subcommittee on Interior, Environment, and Related Agencies Ranking Member Tom Udall (D-NM) and Committee Vice Chairman Patrick Leahy (D-VT) contest these and other riders.

House and Senate appropriators are expected to "hash out" a final version of the Interior-Environment bill as part of an FY18 omnibus after passing another continuing resolution. "The chairmen's mark establishes a Senate position for working with the House and the

Administration,” said Appropriations Committee Chairman Thad Cochran (R-MS). To see ECOS’ summary materials on this bill and other versions of the FY18 EPA budget, click [here](#). [McAleer]

## **Shaw, Rodriquez to Testify in Senate on Waste Cleanup Challenges following Natural Disasters**

ECOS member Bryan Shaw of Texas will testify before Congress a third time this fall about hurricane environmental response, this time along with ECOS colleague Matthew Rodriquez of California.

Shaw and Rodriquez will appear before the Senate Environment and Public Works Subcommittee on Superfund, Waste Management, and Regulatory Oversight. The hearing, entitled *Challenges Facing Superfund and Waste Cleanup Efforts Following Natural Disasters*, will be held **December 6 at 2:30 p.m. Eastern**. [Parisien]

## **House Holds CWA Jurisdiction Hearing as Court of Appeals Issues Related Ruling**

On November 29 the Environment Subcommittee of the House Science, Space & Technology Committee convened a hearing, *The Future of WOTUS: Examining the Role of States*. Witnesses included Wesley Mehl of the Arizona State Land Department, James Chilton Jr. of Chilton Ranch in Arizona, Ken Kopocis of the American University Washington College of Law, and Reed Hopper of Pacific Legal Foundation.

U.S. EPA and the U.S. Army Corps of Engineers are working on rule revisions to roll back the Obama-era Clean Water Act (CWA) jurisdiction policy and replace it with a narrower standard. Republicans at the hearing voiced support for the current repeal effort and for the narrower Scalia jurisdiction standard, while Democrats made the case for keeping the Obama-era rule. BNA reports that Committee Chairman Andy Biggs (R-AZ) said after the hearing that legislators have talked about a possible bill to amend the water law, but have made little progress.

Also this week, the U.S. Court of Appeals for the 9th Circuit made a new ruling affirming its precedent that it will follow Justice Kennedy's "significant nexus" test on CWA jurisdiction. This could complicate the Trump Administration's efforts to craft a CWA rule that could use a narrower test. [Piper]

## **U.S. EPA Hears from Range of Interests at Hearings on Proposed CPP Repeal**

U.S. EPA on November 28 and 29 held a public meeting on the [Clean Power Plan repeal](#). The hearings in Charleston, WV began with comments from coal advocates such as West Virginia Attorney General Patrick Morrisey and Murray Energy CEO Robert Murray, head of the country's largest privately owned coal producer. EPA also heard from advocates of environmental advocacy organizations including the Environmental Defense Fund and the Sierra Club, as well as representatives of smaller organizations and many private citizens who oppose repeal of the CPP. In total, about 270 citizens on both sides of the issue participated.

For more information, see this [article](#). [Poole]

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## **State News You Can Use**

[New Jersey to Regulate for PFOA and PFOS in Drinking Water](#)

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[Minnesota Agencies Work Together to Stop Sale of Toxic Kids' Jewelry](#)

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## **ECOS Resource of the Week**

### **Shale Gas Caucus E-MATRIX**

Be sure to check out the newly updated ECOS Methane and Air Toxics Reduction Information Exchange, or [e-MATRIX](#), for 40 additional best practices and technologies that reduce methane and other air emissions at points along oil and gas systems.

One of the new items on the site is the Wyoming Department of Environmental Quality's recently adopted permitting guidance on oil and gas production facilities that explains the state's current understanding of Best Available Control Technology (BACT) for certain types of emission sources at oil and gas production facilities. The guidance is non-binding but allows owners and operators seeking site-specific BACT analyses to meet the new guidelines in construction and modification of facilities.

Another new item is a California Public Utilities Commission decision approving a natural gas leak abatement program for Dry Natural Gas Systems in California in the transmission and distribution sectors. The decision establishes reporting requirements for utilities and includes an appendix outlining 26 best practices to ensure utilities repair backlogs of leaks, repair newly discovered leaks as soon as possible, survey leaks more quickly, and allow the use of advanced leak detection technology.

E-MATRIX is a tool developed by the ECOS Shale Gas Caucus to provide easy access to information on reducing methane, volatile organic compounds, and other

air emissions. The site features interactive flow diagrams linked to documents that highlight successful state rules, voluntary initiatives, and other efforts. The related links section also lists additional sites for users seeking more information.

Initially sponsored by the Government of Canada and developed by Clearstone Engineering Ltd., e-MATRIX was made possible by the following SGC project partners: U.S. EPA, U.S. Department of Energy, Environmental Defense Fund, Southwestern Energy, and American Gas Association. [MacCartney/Parisien]

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## **ECOS Member News**

### **Grumbles, Suuberg, Snyder to Serve on RGGI Executive Committee**

RGGI, Inc. has announced the election of Ben Grumbles, Secretary of the Maryland Department of the Environment, as its new Chair, effective January 1, 2018. In addition, Marty Suuberg, Commissioner of the Massachusetts Department of Environmental Protection, will serve as Secretary, and Jared Snyder, Deputy Commissioner of the New York Department of Environmental Conservation, will serve as Treasurer.

"I'm honored to begin serving in the role of Chair next year," said Grumbles. "Our RGGI states have been leaders in crafting and implementing a market-based program to reduce greenhouse gases, while generating economic and consumer benefits. In the coming year, we look forward to sharing insights on our program with Virginia as they craft state regulations, and we welcome the opportunity to discuss our successful regional program with any other states or jurisdictions that may be interested." [Parisien]

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# Need-to-Know News in Air

## EPA Finalizes RFS Volumes for 2018 and Biomass-Based Diesel Volumes for 2019

*Area of Focus:* Air

U.S. EPA on November 30 finalized a rule that establishes the required renewable fuel volumes under the Renewable Fuels Standard (RFS) program for 2018, and biomass-based diesel for 2019.

"Maintaining the renewable fuel standard at current levels ensures stability in the marketplace and follows through with my commitment to meet the statutory deadlines and lead the agency by upholding the rule of law," said EPA Administrator Scott Pruitt.

The Clean Air Act requires EPA to set the RFS volume requirements annually and to finalize the standards by November 30 for the following year. The final standards for 2018, and for biomass-based diesel for 2019, are only slightly changed from the proposed standards that EPA issued earlier this year.

### Final Volume Requirements

	2018	2019
Cellulosic biofuel (million gallons)	288	n/a
Biomass-based diesel (billion gallons)	2.1	2.1
Advanced biofuel (billion gallons)	4.29	n/a
Renewable fuel (billion gallons)	19.29	n/a

The RFS program was created under the Energy Policy Act of 2005 and expanded by the Energy Independence and Security Act of 2007. EPA implements the program in consultation with U.S. Departments of Agriculture and Energy. The RFS program is a national policy that requires a certain volume of renewable fuel to replace or reduce the quantity of petroleum-based transportation fuel, heating oil or jet fuel.

For more information on the rule, click [here](#). [Parisien]

## U.S. EPA Declines to Change RFS Program Compliance Point of Obligation

### ***Area of Focus: Air***

On November 22, U.S. EPA denied requests from petitioners to initiate a rulemaking to change the point of obligation for compliance under the Renewable Fuels Standards (RFS) program. EPA determined that shifting the compliance responsibilities from the refiners and importers to the parties that blend renewable fuel into transportation fuel would not improve the effectiveness and would unnecessarily increase the complexity and undermine the success of the program. The [Notice of Decision](#) can be viewed here and will be posted to the *Federal Register* in the coming days.

The agency made its determination based on a wide range of stakeholder input and information provided as a part of the public comment period. [Additional information and background documents](#) can be found on EPA's website. [Poole]

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## **E-Enterprise**

[E-Enterprise for the Environment](#)

### **Combined Air Emissions Reporting Team Seeks New Participants**

The E-Enterprise Combined Air Emission Reporting (CAER) team is now seeking state/local/tribal (SLT) participants for its next round of research and development (R&D) projects. The findings of these teams will inform next steps in the development of a combined air emissions reporting system. The R&D teams will consist of 5 to 7 people representing both SLT and U.S. EPA programs.

Each team is formed around discrete, relatively short-term projects spanning about 5 to 7 months beginning in 2018. Participants should anticipate individual time commitments ranging from weekly planning and review meetings upwards to development and review of documentation.

The R&D projects for which the CAER PDT is now soliciting SLT participation are:

1. **TRI/NEI/SLT Program Crosswalk** – Research consistency and possible workflows for sharing of emissions data between TRI, SLTs, and NEI – Phase 2
2. **Emissions Data Design** – Documentation of SLT emissions data needs to support creation of a common emissions form that can be used by SLT emission reporting programs/systems – Phase 2
3. **GHG Study** – Analysis of national SLT GHG emissions data needs and crosswalk to EPA's GHG Reporting Rule requirements – Phase 2
4. **CBI Study**—Study of SLT and EPA program business cases and practices for handling confidential business information as it relates to emission reporting information
5. **Emission Factors Compendium** – Development of a compendium of SLT emission factors and associated guidelines for use

Please visit this [webpage](#) for a more detailed description of each of the five projects listed above. If you are interested in participating in any of these teams, please contact [Kelly Poole](#) of ECOS by **December 15**. Please note any experience you have in the specific topic area for the project(s) in which you are interested. [Poole]

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## ITRC

*Interstate Technology and Regulatory Council*

### ITRC Releases New Guidance on Bioavailability in Contaminated Soils

The Interstate Technology and Regulatory Council (ITRC) has released the guidance document *Bioavailability of Contaminants in Soil: Considerations for Human Health Risk Assessment*.

The guidance describes the general concepts of the bioavailability of contaminants in soil, reviews the state of the science, and discusses how to incorporate bioavailability into human health risk assessment. This guidance addresses lead, arsenic, and polycyclic aromatic hydrocarbons for the incidental ingestion of soil.

Click [here](#) to access the document. Please join the Bioavailability Team's first online training class, scheduled for **February 13, 2018**. Check [here](#) for further 2018 training information. [Bodi]

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## **Career Opportunities**

### **Oregon DEQ Seeks Applicants for Three Positions**

The Oregon Department of Environmental Quality is hiring an Air Quality Administrator, Air Planning Section Manager, and a Water Quality Administrator. All three of the positions are located at DEQ's headquarters in Portland.

The positions will remain open until filled, with first application review dates between December 6 and 10.

Detailed job descriptions and requirements for the positions are available [here](#). [Swanson]

### **AAPCA Seeks Executive Director**

The Association of Air Pollution Control Agencies (AAPCA) is seeking an Executive Director. This individual is responsible for providing day-to-day management and oversight of the association, including leadership and coordination of AAPCA's member-driven activities and programming, serving as the association's staff liaison to state and federal air quality regulatory agencies and other key stakeholder groups, and advancing the mission of AAPCA through outreach, education, program development, and training.

For more information, see the announcement [here](#). [Longworth]

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# Upcoming Events

## ECOS Calls

### Shale Gas Caucus

The ECOS Shale Gas Caucus (SGC) will kick off its Phase 3 cross-media webinar series on **December 6 at 2-3 p.m. Eastern** with a discussion of preventing produced water spills and leaks. Moderated by SGC Co-Chairs Dave Glatt of North Dakota and Martha Rudolph of Colorado, the call will feature Scott Anderson and Dan Mueller of the Environmental Defense Fund and Roy Hartstein of Southwestern Energy. Jim Kenney of U.S. EPA's Office of Enforcement and Compliance Assurance will follow with an announcement of an SGC success story in the area of produced water.

For more information, please contact [Lia Parisien](#) of ECOS. [Parisien]

### Toxic Substances Reduction Workgroup/PFAS Workgroup

ECOS' Toxic Substances Reduction Workgroup will hold its next monthly call on **December 12 at 3-4 p.m. Eastern**. The call will overlap with the ECOS-U.S. EPA PFAS Workgroup for 30 minutes; participants are invited to stay on the phone until 4:30 p.m. to engage in both calls.

The toxic substances call will first feature a recap from U.S. EPA on its [two December public meetings](#), which will cover the agency's progress in implementing changes to the New Chemicals Review Program and approaches for identifying potential candidate chemicals for EPA's prioritization process under the Toxic Substances Control Act. States that were not able to attend the EPA webinars will have the opportunity to ask questions and provide input.

At 3:30 p.m., the ECOS-EPA PFAS Workgroup will join the call for discussions of the new Michigan Executive Directive on PFAS and Washington State's PFAS action plan. Although the call ends at 4 p.m., toxic substances workgroup participants are invited to participate in the remaining part of the PFAS workgroup call until 4:30 and hear about more state PFAS initiatives.

An agenda will be sent soon. Email [Sarah Grace Longworth](#) of ECOS with questions or to express interest in participating. [Longworth]

## **December All-Member Call**

ECOS will hold its final 2017 All-Member Monthly Call on **December 14 at 3-4 p.m. Eastern** on data and analytics.

Please mark your calendars now. An agenda with dial-in information will be emailed to all ECOS members prior to the call. [Swanson]

## **Webinars**

### **U.S. EPA Grants.gov Workspace Training Webinar for Applicants**

All federal grant applicants will be required to use "Workspace" in Grants.gov to submit applications starting January 1. To address this new requirement, U.S. EPA's Office of Grants and Debarment will host a Grants.gov-led webinar session that will provide training and a demonstration on Workspace.

The webinar will be held **December 4 at 2-3:30 p .m. Eastern**. Access the webinar [here](#). Please note that there is no pre-registration or telephone dial-in for this webinar. Speakers or headphones are required to hear audio.

See [here](#) for additional details and updates, or to view a recording of the webinar.  
[McAleer]

### **U.S. EPA on Drinking Water Issues**

U.S. EPA's Office of Research and Development and Office of Water host a monthly [webinar series on small drinking water systems](#). The last webinar of the year will be held on **December 12** and address Residual Chlorine and Calibration Check for Chlorine Instruments.

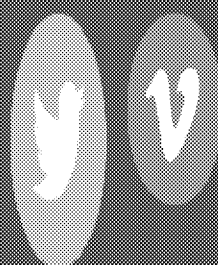
More information on the small systems webinars, including recordings of past webinars and how to register, is available [here](#). [Hanson]

## U.S. EPA Tools and Resources Webinar

U.S. EPA will hold its next monthly Tools and Resources Webinar on **December 13 at 3-4 p.m. Eastern**. The call will center on the Causal Analysis/Diagnosis Decision Information System (CADDIS), an online resource that helps scientists find, organize, and use information to determine the likely causes of adverse biological effects in aquatic ecosystems.

EPA will highlight case studies in states that have used the tool and describe its uses for analyzing data and identifying common stressors (including physical habitat, nutrients, metals, pH, toxic substances and temperature).

To register, click [here](#). [Longworth]



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